

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
NORTHERN DIVISION**

UNITED STATES OF AMERICA

PLAINTIFF

VS.

CIVIL ACTION NO. 3:16-CV-489-CWR-RHWR

HINDS COUNTY, ET AL.

DEFENDANTS

DEFENDANTS' MOTION TO STRIKE PLAINTIFF'S EXPERTS

Defendants move to strike Plaintiff's Expert Disclosures as follows:

1. Plaintiff served its Expert Disclosures on February 7, 2022, designating the Monitors¹ and Kathryn Bryan as non-retained experts (Exhibit 1). Plaintiff should be prohibited from calling anyone as an expert at the hearing scheduled to commence on February 14 for two reasons.

2. First, the Monitors and Ms. Bryan are not non-retained experts, and allowing the Monitors to testify as non-retained experts designed by Plaintiff calls the Monitor's autonomy into serious question.

3. Second, the Monitors and Ms. Bryan should not be permitted to testify as experts because Plaintiff did not adequately disclose their opinions. Even assuming the Monitors and Ms. Bryan are actually non-retained experts, FRCP 26(a)(2)(C) requires that the disclosure of non-retained experts must include (i) the subject matter on which the witness is expected to present evidence, and (ii) a summary of the facts and opinions to which the witness is expected to testify. Plaintiff's Expert Disclosure does not comply with this standard.

4. Defendants' Motion is based on their Supporting Memorandum and the following exhibit:

¹ Elizabeth Simpson, Jim Moeser, David Parrish, and Dr. Richard Dudley.

Exhibit 1: United States' Expert Disclosures.

Relief Requested

For these reasons, the Monitors and Kathryn Bryan should not be permitted to testify as experts at the hearing scheduled to commence on February 14, 2022.

Dated: February 9, 2022.

Respectfully submitted,

PHELPS DUNBAR, LLP

BY: /s/ James W. Shelson

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ATTORNEYS FOR DEFENDANTS

CERTIFICATE OF SERVICE

I certify that on February 9, 2022, I had this Memorandum electronically filed with the Clerk of the Court, using the CM/ECF system, which sent notification of such filing to all counsel of record in this matter.

/s/ James W. Shelson

James W. Shelson